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**1995/07/09**

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ORIGIN: CM (05)

INFO: (04) TB (02) PMS (02) K (03) P (01) RA (01) EAP (04)  
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ORIGIN: 00

INFO: DB COR-01 AMAD-01 CA-02 CIAE-00 SMEC-00 INL-01  
IA DODE-00 ODEE-00 SRPP-00 EUR-00 FBIE-00 INLB-01  
TEDE-00 INR-00 L-00 ADS-00 M-00 NSAE-00  
UW OCS-06 OMB-01 PA-01 PM-00 PRS-01 P-01  
UB SS-00 TRSE-00 T-00 USIE-00 PMB-00 DRC-00  
EO /079R

DR: RY, AP/CM: JJFOARDE/ACOLE  
AP: RY, AP/CM: WLOD  
EAP: RY, AP/CM: WASTANTON  
EUR: RY, AP/CM: RLEVINSON  
CA: RY, AP/CM: SSPENCER  
EAP/CM: DULLY  
L/EAP: GHERNEN  
P: 01  
DEF: RY, AP/CM: EAP, CA, EUR

04 JUL 95  
FM SI: WASHDC  
TO: TOKYO IMMEDIATE 9962-3  
AMEMB: BANGKOK 6846-7  
AMEMB: SINGAPORE  
AMEMB: JAL 8829-30  
AMEMB: KARTA 5005-6  
AMEMB: MANILA  
AMEMB: ALA LUMPUR 2170-1  
AMEMB: HELSINKI 1151-2  
AMEMB: STOCKHOLM 3596-7  
AMEMB: OSLO 4948-1  
AMEMB: COPENH 1310-1  
INFO AMEMB: BEIJING 5722-3  
AMCONS: SHANGHAI 3560-1  
AMCONS: SHENYANG 4361-2  
AMCONS: HONG KONG  
AMCONS: GUANGZHOU 6479-00

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CORRECTED COPY (DTG AND HEADER)

E.O. 1.05 SE DECL: OADR  
TAGS: PASC, CH, US  
SUBJ: HARRY WU DETENTION CASE: REQUEST FOR PARALLEL  
HOST GOVERNMENT DEMARCHES TO BEIJING ON CONSULAR ACCESS TO  
DETAINED CITIZENS

1. CONFIDENTIAL -- ENTIRE TEXT. THIS IS AN ACTION  
MESSAGE.

2. ACTION REQUESTED: DEPARTMENT REQUESTS THAT ADDRESSEES  
CONTACT THEIR GOVERNMENTS AT THE HIGHEST APPROPRIATE LEVEL  
TO DEVELOP THE DEMARCHE OUTLINED IN PARAGRAPH 5 BELOW.  
POSTS MAY WISH TO LEAVE THE TALKING POINTS WITH  
INITIALS AS A NON-PAPER. ADDRESSEES SHOULD ALSO SEEK  
TO ELICIT HOST GOVERNMENTS' EXPERIENCE WITH THE PRC ON  
CONSULAR MATTERS GENERALLY, AND ON CONSULAR ACCESS TO  
DETAINED CITIZENS IN PARTICULAR. PLEASE REPORT REACTION  
TO THE DEMARCHE AND INQUIRY ON CONSULAR EXPERIENCE ASAP  
INCLUDING REPLY FOR EAP/CM, L/EAP AND CA/OCS.

3. BACKGROUND: HARRY WU, AKA PETER H. WU A WELL-KNOWN  
INMATE OF CHINA'S PRISON SYSTEM FOR MANY YEARS AND NOW AN

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AMERICAN CITIZEN, WAS DETAINED BY CHINESE AUTHORITIES WHEN  
CROSSING THE BORDER FROM KAZAKHSTAN INTO CHINA ON JUNE 12

1995. MR. WU AND ANOTHER AMERICAN TRAVELLING COMPANION  
WERE DETAINED AT HORGAS IN XINJIANG PROVINCE FROM JUNE 19  
UNTIL THE MORNING OF JUNE 23, WHEN MR. WU'S COMPANION WAS  
EXPULSED FROM CHINA. MR. WU HAS NOT BEEN HEARD FROM  
SINCE. THE CHINESE GOVERNMENT PROVIDED THE REQUISITE  
CONSULAR NOTIFICATION OF DETENTION ON JUNE 23, BUT HAVE

SINCE REFUSED TO GRANT CONSULAR ACCESS UNDER OUR BILATERAL  
CONSULAR AGREEMENT. TO MANY DEMARCHES IN BOTH BEIJING AND  
WASHINGTON, CHINESE OFFICIALS HAVE REPLIED ONLY THAT WU IS  
"UNDER INVESTIGATION" FOR VIOLATIONS OF CHINESE LAW DURING  
PREVIOUS VISITS TO CHINA. CHINESE REFUSAL TO GRANT  
CONSULAR ACCESS IS A CLEAR VIOLATION OF THE BILATERAL  
CONSULAR AGREEMENT, WHICH PROVIDES FOR ACCESS TO DETAINED  
CITIZENS WITHIN 48 HOURS OF A REQUEST. CONGRESSIONAL  
PRESS AND POPULAR INTEREST IN MR. WU'S CASE HAS BEEN  
SUBSTANTIAL.

4. THE DEPARTMENT PROPOSES TO AUGMENT ITS BILATERAL  
EXPRESSIONS OF GRAVE CONCERN TO THE CHINESE OVER THEIR  
HANDLING OF THE WU CASE WITH APPROACHES BY OTHER CONCERNED  
COUNTRIES ON THE SPECIFIC QUESTION OF CONSULAR ACCESS TO  
NATIONALS. THE UNITED STATES BELIEVES THAT ALL COUNTRIES  
HAVE AN INTEREST IN CHINESE COMPLIANCE WITH BOTH  
INTERNATIONAL CONVENTIONS SUCH AS THE VIENNA CONVENTION ON  
CONSULAR RELATIONS AND BILATERAL CONSULAR CONVENTIONS,  
WHERE THEY EXIST. THUS, THE UNITED STATES HOPES THAT HOST  
COUNTRIES WILL INSTRUCT THEIR AMBASSADORS IN BEIJING TO  
RAISE WITH CHINESE INTERLOCUTORS AT AN APPROPRIATE LEVEL  
THE IMPORTANCE OF PROMPT CONSULAR ACCESS, AS WELL AS THE  
DESIRABILITY OF STRICT ADHERENCE TO THE PROVISIONS OF  
CONSULAR CONVENTIONS AND AGREEMENTS. IF POSSIBLE, THE  
DEPARTMENT WOULD WELCOME HOST GOVERNMENTS CONVEYING A MORE  
SPECIFIC MESSAGE ABOUT THE UNACCEPTABILITY OF DELAYING  
CONSULAR ACCESS IN THE CASE OF HARRY WU. ADDRESSEES MAY  
DRAW ON THE TALKING POINTS IN PARAGRAPH FIVE BELOW IN  
DEMARCHING HOST GOVERNMENTS.

IN ADDITION, DEPARTMENT WOULD WELCOME KNOWING HOST  
GOVERNMENTS' EXPERIENCE WITH THE PRC WITH RESPECT TO  
CONSULAR OBLIGATIONS, WHETHER UNDER INTERNATIONAL  
CONVENTIONS OR BILATERAL AGREEMENTS. IN SEEKING TO ELICIT  
THIS INFORMATION, POSTS MAY NOTE THAT, IN GENERAL THE PRC  
HERETOFORE HAS BEEN REASONABLY GOOD ABOUT HONORING ITS  
CONSULAR OBLIGATIONS TO THE UNITED STATES.

6. BEGIN TALKING POINTS

-- AMERICAN CITIZEN HARRY WU (ALSO KNOWN AS PETER H. WU)

HAS BEEN DETAINED IN CHINA SINCE JUNE 19 EVIDENTLY IN THE  
BORDER TOWN OF HORGAS IN XINJIANG PROVINCE.

-- THE CHINESE NOTIFIED OUR EMBASSY IN BEIJING OF THE  
DETENTION ON JUNE 23, WITHIN THE 4-DAY LIMIT STIPULATED IN  
THE U.S.-CHINA BILATERAL CONSULAR CONVENTION OF 1960

-- OUR CONSUL GENERAL IN BEIJING REQUESTED A STATUS  
REPORT, ENUMERATION OF ANY CHARGES LODGED AGAINST WU, AND  
AGREEMENT FOR A CONSULAR VISIT FROM THE CHINESE FOREIGN  
MINISTRY ON MONDAY, JUNE 26.

-- WE HAVE HAD SUBSEQUENT MEETINGS WITH THE FOREIGN  
MINISTRY CONSULAR AFFAIRS BUREAU. THE RESULTS OF THESE  
MEETINGS HAVE BEEN INCONCLUSIVE AND UNSATISFACTORY

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-- THE CHINESE SIDE HAS INFORMED US THAT THE REQUEST FOR CONSULAR VISIT TO MR. WU IS STILL UNDER CONSIDERATION BUT HAS NOT BEEN APPROVED. MR. WU'S PRECISE LOCATION AND

CONDITION HAVE NOT BEEN DISCLOSED. WE HAVE NOT BEEN INFORMED OF ANY FORMAL CHARGES OR OF MR. WU'S IMMEDIATE RELEASE OR DEPORTATION. GIVEN THE TIME THAT HAS ELAPSED THESE RESPONSES ARE UNACCEPTABLE

-- ACCORDING TO ARTICLE 35 OF THE U.S.-CHINA BILATERAL CONSULAR CONVENTION, A CONSULAR VISIT SHALL TAKE PLACE AS SOON AS POSSIBLE, BUT, AT THE LATEST, SHALL NOT BE REFUSED AFTER 7 DAYS FROM THE DATE ON WHICH EITHER GOVERNMENT NOTIFIES THE OTHER OF A DETENTION

-- WE BELIEVE ALL COUNTRIES HAVE AN INTEREST IN PROMPT CONSULAR ACCESS TO NATIONALS DETAINED IN OTHER COUNTRIES AS CONTEMPLATED BY SUCH INTERNATIONAL CONVENTIONS AS THE VIENNA CONVENTION ON CONSULAR RELATIONS BILATERAL CONSULAR AGREEMENTS, OR CUSTOMARY INTERNATIONAL LAW AND PRACTICE.

-- OUR SPECIFIC CONCERN FOR MR. WU IS GREAT BUT WE ARE ALSO GRAVELY CONCERNED ABOUT THE IMPLICATIONS OF CHINESE VIOLATION OF OUR BILATERAL CONSULAR CONVENTION. THE UNITED STATES AND CHINA ARE ALSO PARTIES TO THE MULTILATERAL VIENNA CONVENTION ON CONSULAR RELATIONS ARTICLE 36 OF WHICH PROVIDES FOR CONSULAR ACCESS TO DETAINED OR ARRESTED NATIONALS

-- THE UNITED STATES WOULD WELCOME YOUR GOVERNMENT INSTRUCTING YOUR AMBASSADOR TO REQUEST TO DEMAND THE CHINESE GOVERNMENT EXPRESSING SIMILAR CONCERNS ABOUT THE

SPECIFIC ISSUE OF CONSULAR ACCESS.

-- THE UNITED STATES WOULD ALSO WELCOME YOUR GOVERNMENT'S RAISING THE CASE OF HARRY WU IN THIS CONTEXT. PERHAPS SUGGESTING THAT CHINA'S HANDLING OF THE CASE RAISES QUESTIONS ABOUT CHINESE COMMITMENT TO HONORING INTERNATIONAL CONSULAR PRACTICE AND RESPECT TO ALL CHINESE NATIONALS.

-- THE UNITED STATES APPRECIATES ANY HELP YOU CAN OFFER UNDERSCORING WITH THE CHINESE THE VITAL IMPORTANCE OF HONORING INTERNATIONAL OBLIGATIONS ON CONSULAR MATTERS

END TALKING POINTS.

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